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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
WESTERN DIVISION

Washington, D. C.

February 14, 1938

TO STATE AGRICULTURAL CONSERVATION COMMITTEES, WESTERN REGION:

Re: Procedure to be followed in instances where officers or committeemen of County Agricultural Conservation Associations or County Agricultural Extension Agents are subpoenaed to produce Association records of amounts of payments, soil-depleting bases, productivity indices, etc., under the Agricultural Conservation Programs.

For the information of State and County Committees, County Agricultural Extension Agents, and others, there is set forth herein the procedure to be followed in instances where officers or committeemen of County Agricultural Conservation Associations or County Agents are subpoenaed to produce Association records of amounts of payments, soil-depleting bases, productivity indices, etc., under the 1936 or subsequent Agricultural Conservation Programs.

Under the rules and regulations of the Agricultural Adjustment Administration, each County Agent and other agent or employee, such as Assistants in Agricultural Conservation, is prohibited from disclosing the contents of the Government records in his custody or producing the same in court, or testifying in respect to their contents, without express authority in the particular case from the Agricultural Adjustment Administration. The records relating to the 1936, 1937, and 1938 Agricultural Conservation Programs are the property of the Government of the United States, as are the records relating to other agricultural programs administered by the Agricultural Adjustment Administration, now or in the past, and it is not competent for courts to compel their production or to require Government officers or employees to testify respecting them.

The 1936, 1937, and 1938 Articles of Association for the Western Region are in the nature of special regulations of the Agricultural Adjustment Administration and contain provisions permitting limited access to Association records on the part of members of the Association but not the general public, but do not permit

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their production in court, or testimony as to their contents. Section 21 of Form WR-4 as revised October 29, 1937, provides as follows:

"All books, records, documents, papers, and accounts of the Association are and shall remain the property of the Agricultural Adjustment Administration and are to be safely maintained in good order in the office of the Association."

In view of that declaration on the part of the Government, it appears that courts generally would, without question, rule that the books and records of the Association belong to the United States Government and could not be introduced in evidence, nor could any agent or employee of the Government or any custodian of those books and records be required to testify as to their contents, without the consent of the Government.

In those instances where a committeeman of an Association or a County Agent expects to be served with a subpoena to appear and produce any record of the Association or testify concerning the same, the committeeman or County Agent should inform the litigant or his attorney seeking such production or testimony that he will be unable to produce such Association record for introduction as evidence, or to testify with respect thereto, unless (1) it is shown by such litigant or attorney that the introduction of or the testimony from such Association record is indispensable to a proper determination of the rights of the parties or adjudication of the case, and (2) authority to appear and produce such records is granted by the Agricultural Adjustment Administration.

In instances where a committeeman or County Agent has been served with a subpoena to appear before a court and produce Association records, the Director of the Western Division should be notified immediately. The committeeman or County Agent, before or at the time of being served with a subpoena, should request the party litigant or attorney responsible for its issuance to have it quashed or withdrawn. If that request is not complied with, the County Agent or committeeman served should appear before the court (if possible, before the time required in the subpoena but in any event not later than the time fixed therein) and (1) explain that such Association records are the property of the United States Government; (2) explain that the committeemen and County Agents are forbidden to produce such records unless specifically authorized to do so by the Agricultural Adjustment Administration; (3) explain that such authority will be granted

by the Agricultural Adjustment Administration only upon a showing that the introduction of such records or testimony therefrom is indispensable to the proper determination of the rights of the parties or adjudication of the case; and (4) respectfully request that the subpoena be quashed or withdrawn. If such request is not granted by the court, the County Agent or committeeman involved should then request the court to grant a stay in the proceedings as to him, so that he can communicate the facts to the Agricultural Adjustment Administration, Department of Agriculture, with a view to its obtaining an instruction from the Department of Justice to the United States Attorney to appear on his behalf and show why the Government believes that the court has no authority to compel the production of the records in question or testimony respecting the same.

The Director of the Western Division should be notified immediately as to the action taken by the court in all instances where committeemen or County Agents appear before the court and request that a subpoena be quashed or withdrawn.

George E. Farrell

George E. Farrell,
Director, Western Division.

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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
WESTERN DIVISION

Washington, D. C.

April 5, 1938.

TO STATE AGRICULTURAL CONSERVATION COMMITTEES, WESTERN REGION:

Re: Instructions to Treasurers of Agricultural Conservation
Associations Relative to Delivery of Checks.

The following instructions, relative to the 1937 Agricultural Conservation Program, issued by the Administrator of the Agricultural Adjustment Administration under date of March 24, 1938, have been sent to this Division for transmittal to all State and county committees.

"We have been advised that the following situations have arisen in connection with the delivery of checks:

A county treasurer accepted a power of attorney from a payee and under it endorsed the payee's check, liquidated the payee's indebtedness to a bank, and deposited the balance of the check in the bank to the credit of the payee. When the check, with the power of attorney attached, was presented for payment the Treasurer of the United States refused to honor it because the power of attorney was an assignment contrary to Section 3477 of the Revised Statutes of the United States and hence was void.

Certain creditors, both Governmental agencies and private parties, have drafted forms which have been signed by the payees and delivered to county treasurers. By one form the payee informs the county treasurer that, being indebted to a certain creditor, he will call for his check at the association office, will endorse it, and wishes the county treasurer to act as his agent in mailing his check to the creditor. By another form the payee 'assigns' his check (prior to the receipt thereof) to a representative of a creditor and directs the county treasurer to deliver the check to the creditor after endorsement by the payee. By another form the payee authorizes the county treasurer to hold the check and to deliver it to the payee only in the presence of a representative of the creditor. By another form the payee authorizes the county treasurer to notify a representative of the creditor when the payee's check is received by the county treasurer.

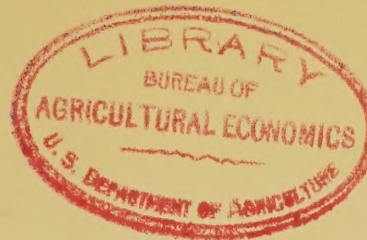


All the forms described above, or any other forms which limit or restrict the method of delivering checks, will not be recognized since they are contrary to the instructions issued to you by the Chief Disbursing Officer in Treasury Form No. 1721 and Treasury ACP letter No. 24. Some of these forms constitute assignments, which are contrary to Section 3477 of the Revised Statutes, and all checks supported by such forms, as in the first case cited above, will not be honored by the Treasurer of the United States."

These instructions refer to the delivery of checks issued in connection with both the crop and range provisions of the 1936 and 1937 Agricultural Conservation Program. They will also be followed when checks representing payments under the 1937 Sugar program are in possession of the county treasurers for delivery to the payees.

George E. Farrell

George E. Farrell,
Director, Western Division.



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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
WESTERN DIVISION

Washington, D. C.

July 9, 1938

To STATE AGRICULTURAL CONSERVATION COMMITTEES,
WESTERN REGION:

Re: Preparation of Standard Form 1055 and accompanying documents representing a claim for the proceeds of a U. S. Treasury check the payee of which is deceased or incompetent.

The following instructions are for the information of all State and county committees.

Section I. General

County Association treasurers are required to return to the Regional Disbursing Office all U. S. Treasury checks, representing payments under the Agricultural Conservation Programs, which they are unable to deliver because the payees thereof are deceased or incompetent. The State office is now in position to request cancelation of such checks and to entertain claims from administrators, executors, guardians, committees, custodians, relatives or creditors, for the proceeds of such checks.

Anyone applying for the proceeds of a U. S. Treasury check payable to a person who is deceased or incompetent must execute Standard Form 1055 in accordance with the instructions set forth herein. After the Form 1055 has been completely executed, it will be forwarded to the State office where it will be examined and, if found acceptable, forwarded to the General Accounting Preaudit Office for approval.

The county office must not deny anyone who feels that he is entitled to share in the proceeds of a check issued to a deceased payee the privilege of executing Standard Form 1055. However, the county committee shall insist that all of the data required in these instructions be entered on the form before it is signed by the applicant and is witnessed. The county committee must also require that all of the documents which must accompany Form 1055 are present before the form is sent to the State office. This will avoid the necessity of correspondence from the State office and the delay which is inevitable when correspondence is required. Form 1055 may be filed by creditors of a deceased payee. However, such creditors must take the initiative in filing their claims, as it is not the duty of the county committee to discover that there are creditors and notify such persons that they may file claims.

Any creditor of a deceased payee of a U. S. Treasury check may, if he so desires, execute a waiver, Form ACP-73, wherein he waives any right which he may have to share in the proceeds of the check. Such waiver must be executed in accordance with the instructions set forth in Section IV below.

Section II. Preparation of Standard Form 1055 when the payee of the U. S. Treasury check is deceased.

The person making claim for the proceeds of a Treasury check the payee of which is deceased must execute Form 1055 in the manner prescribed in paragraph A or B below, whichever is applicable.

A. Claim for proceeds of check being made by the administrator or executor of the estate of the deceased payee.

1. Form 1055 shall be prepared in quadruplicate as follows:

a. State and county names

Enter in the spaces provided in the upper left-hand corner the names of the State and the county in which the claimant resides.

b. Paragraph 1

Enter in this paragraph the full name and address of the administrator or executor claiming the proceeds of the check payable to the deceased, together with all of the required data, regarding the name and address of the deceased and the date of death. On the last line of this paragraph show whether the payee died testate or intestate. The deceased shall be considered as having died testate if he made a will and shall be considered as having died intestate if he did not make a will.

c. Paragraph 2

Make no entries in paragraph 2.

d. Paragraph 3

Make no entries in paragraph 3.

e. Paragraph 4.

Enter the appropriate pronoun in the spaces provided on the first two lines. In the column headed "Check or Warrant No." enter the number of the check payable to the deceased. In the column entitled "By Whom Drawn" enter "G. F. Allen, Chief Disbursing Officer" and enter in the column headed "Symbol No." the number set forth below which is applicable to the State in which the application

for payment, in connection with which the check was issued, was filed.

North Dakota	78-609	Utah	78-616
Kansas	78-610	Montana	78-618
Arizona)		Idaho)	
California)	78-612	Oregon)	78-620
Nevada)		Washington)	
Colorado)			
New Mexico)	78-613		
Wyoming)			

Enter the amount of the check in the column headed "Amount" and the total in the space provided. The check number and the amount may be obtained from the county office file copy of the ACP-41C or ACP-41D on which the application (WR-111, WR-112, WR-119, etc.) was scheduled for payment.

f. Paragraph 5

All of the required information regarding the appointment of the administrator or executor shall be entered.

If a public administrator is filing Form 1055, he must either (1) enter in paragraph 5 the name and address of a relative or a creditor of the decedent, or (2) enter in paragraph 6 (j) a statement showing that there are assets of the estate in addition to the amount due from the Government.

g. Paragraph 6.

Make no entries in subparagraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i) of paragraph 6. However, any additional facts on which the applicant bases his claim shall be entered in subparagraph (j). If there are no such facts enter the word "None" in subparagraph (j). The administrator or executor must sign Form 1055 in the space provided. The signature must agree exactly with the name of such administrator or executor in paragraph 1.

h. Affidavit of corroborating witnesses.

This affidavit need not be executed if Form 1055 is filed by an administrator or executor of the estate of the deceased.

i. Certificate of Notary Public.

This certificate must be executed by a Notary Public who shall affix his official seal.

2. Document which must accompany Form 1055.

The administrator or executor must submit with the Form 1055 a certified copy of the court order of his appointment or a short certificate of the Letters of Appointment, or any other document executed in accordance with and which fulfills the requirements of Section C, 2, A of ACP-16.

If such document shows that a year has elapsed since the appointment of the administrator or executor, the copy of the court order or the short certificate must be accompanied by a statement from the court to the effect that such order is still in full force and effect.

3. Distribution of Form 1055 and accompanying documents.

The county office will forward to the State office the original and one copy of Form 1055, executed in accordance with paragraph 1 above, and the legal documentary evidence submitted by the administrator or executor as his authority to represent the estate of the deceased payee.

One copy of Form 1055 will be kept in the county office files and the remaining copy will be given to the claimant.

B. Claim for proceeds of check being made by a relative or a creditor of the deceased payee.

1. Form 1055 shall be prepared in quadruplicate as follows:

a. State and county names

Enter in the spaces provided in the upper left-hand corner the names of the State and county in which the claimant resides.

b. Paragraph 1

This paragraph shall be executed in accordance with the instructions set forth in paragraph A, 1, b of this Section II. If the claimant is a relative of the deceased payee, the age of such claimant must be entered immediately after his name in paragraph 1.

c. Paragraph 2

Make no entries in paragraph 2.

d. Paragraph 3

Make no entries in paragraph 3.

e. Paragraph 4

This paragraph shall be executed in accordance with the instructions outlined in paragraph A, 1, e of this Section II.

f. Paragraph 5

Make no entries in paragraph 5.

g. Paragraph 6

If Form 1055 is filed by a relative of the deceased or by someone other than an executor or administrator, paragraph 6 must be completely executed.

Enter on the second and third lines of paragraph 6 the assets, in addition to the U. S. Treasury check, left by the deceased and show the approximate value of such assets. If there are no such assets, enter the word "None".

(1) Subparagraph (a)

Enter the relationship of the claimant to the deceased payee. If the claimant is an adopted child, a half-brother, half-sister, or child of a deceased half-brother or half-sister of the deceased payee, such relationship must be shown. If the claimant is a legal representative of a relative or a creditor, the capacity in which such representative is acting, the name of the person represented, and the relationship of such person to the decedent must be entered.

(2) Subparagraph (b)

Enter "Yes" or "no", whichever is applicable. The undertaker's itemized bill must be attached to Form 1055. If the funeral expenses have been paid, such bill must be receipted.

(3) Subparagraph (c)

If the word "Yes" has been entered in subparagraph (b) give the full name of the person who paid the funeral expenses and the total amount. The person named in this subparagraph must be the person who furnished the money with which to pay the funeral expenses, unless the money was taken from the funds of the estate of the deceased payee. If the funeral expenses were paid with money belonging to the deceased, enter the notation "By the estate" in subparagraph (c).

If the word "No" has been entered in subparagraph (b), enter in subparagraph (c) the notation "Not paid" and show the total amount of such expenses.

If the funeral expenses were paid by a burial society, fraternal burial organization or insurance company, enter in subparagraph (c) the name of such organization or insurance company.

(4) Subparagraph (d)

Enter "Yes" or "No", whichever is applicable. If the answer to the question in subparagraph (b) is "No", the answer to the question in subparagraph (d) must also be "No".

(5) Subparagraph (e)

Enter "Yes" or "No", whichever is applicable. If the answer to the question in subparagraph (b) is "No", the answer to the question in subparagraph (e) must also be "No". If the answer to the question in subparagraph (d) is "Yes", the word "No" must be entered in subparagraph (e).

(6) Subparagraph (f)

If there is a surviving widow or husband of the deceased, enter in the space provided the name and address of such survivor. In the column headed "Relationship to Intestate" enter "widow" or "husband", whichever is applicable. In Arizona, California, Idaho, Nevada, New Mexico and Washington, the date of marriage shall be entered following the word "widow" or "husband". This date should be entered in the notation "Married _____".

If there are surviving children of the deceased, enter the name and address of each. The word "child" shall be entered in the column "Relationship to Intestate" on the same line with each child's name and address.

In the event that any child of the deceased payee is also deceased but such deceased child was the parent of surviving grandchildren, enter in the columns headed "Name of Survivor" and "Address" the name of such deceased child (and parent) followed by the notation "deceased parent of living grandchildren named below." On the same line enter the word "child" in the column headed "Relationship to Intestate". Enter in the spaces below the name of the deceased child (of the deceased payee of the U. S. Treasury check) and parent of surviving grandchildren, the name and address of each surviving grandchild. The word "grandchild" shall be entered in the column headed "Relationship to Intestate".

If both a child and grandchild of the deceased payee are deceased but there is a surviving great-grandchild (of the deceased payee), enter (1) the name of the deceased child of the deceased payee followed by the notation "deceased grandparent of living great-grandchild", (2) the name of the deceased grandchild of the deceased payee followed by the notation "deceased parent of living great-grandchild", and (3) the name and address of the surviving great-grandchild.

In the right hand margin of Form 1055 enter the notation "Age _____" and show the exact age of each living child, grandchild, or great-grandchild of the deceased payee.

If any child, grandchild, or great-grandchild named in subparagraph (f) is an adopted child enter the relationship of such person as "child-adopted", "grandchild-adopted" or "great-grandchild-adopted" whichever is applicable,

If none of the above kindred survive, enter the word "None" in subparagraph (f).

(7) Subparagraph (g):

If both parents of the deceased payee of the U. S. Treasury check are also deceased, enter in subparagraph (g) the notation "Both parents deceased."

If, however, the deceased payee is survived by a mother, enter her name and address in the first line of subparagraph (g), and enter the word "mother" in the column headed "Relationship to Intestate". In the event that the deceased payee is survived by a father, enter his name and address and the word "father" on the second line of subparagraph (g). If the father has abandoned the support of his family a notation to that effect shall be entered opposite his name.

If a deceased payee domiciled in either Kansas or New Mexico was an adopted child and is survived by both a natural parent (or parents) and a parent (or parents) by adoption, enter the names and addresses of all such parents.

(8) Subparagraph (h)

If the deceased payee is survived by one or more brothers or sisters (of the whole or half blood or by adoption) enter the name and address of each in the spaces provided in subparagraph (h). Enter in the column headed "Relationship to Intestate" the word "Brother", "Half-brother", "Brother by adoption", "Sister", "Half-sister", or "Sister by adoption", whichever is applicable.

In the event that one or more of such brothers or sisters is deceased and there are one or more surviving children of such deceased brother or sister, enter the name of the deceased brother or sister who was the parent of the surviving niece or nephew of the deceased payee. Following the name of such deceased brother or sister, enter (1) the notation "deceased parent of the following living niece/s", "deceased parent of the following living nephew/s" or "deceased parent of the following living niece/s and nephew/s", whichever is

applicable, and (2) the names of all such nieces and nephews. Show in the column headed "Relationship to Intestate" the relationship of the deceased parent (of a living niece or nephew) to the deceased payee of the U. S. Treasury check. Enter also the name and address of each surviving child, followed by the word "Niece", "Niece-adopted", "Nephew" or "Nephew-adopted", whichever is applicable, in the column headed "Relationship to Intestate".

Enter the exact age of each living person named in subparagraph (h).

If none of the above kindred survive, enter the word "None" in subparagraph (h).

(9) Subparagraph (i)

Enter a statement showing the extent to which the claimant has been benefited by any exception or allowance (widow's allowance, etc.) from the estate of the deceased. In the event that the claimant has received no such benefit or allowance, enter the word "None" in subparagraph (i).

(10) Subparagraph (j)

The information required in this paragraph must be given.

If the claimant is acting in a representative capacity, the notation "This claim is filed on behalf of the person/s named in subparagraph (a)" should be entered in subparagraph (j).

In the event that the claimant is acting in a dual capacity (i.e. in his own behalf and also on the behalf of others) a statement to that effect should be entered in subparagraph (j). For example, if Mary Jones, widow of Paul Jones, is filing a Form 1055 on behalf of herself and her minor child, Helen Jones, a statement such as "This claim is filed on behalf of Mary Jones, widow, and Helen Jones, minor child, of Paul Jones, deceased" should be entered in subparagraph (j).

If a creditor, other than the undertaker or person who paid the funeral expenses, is filing Form 1055, he must either,

- (a) Enter in subparagraph (j) a statement that, to the best of his knowledge and belief, there are no other creditors of the deceased payee having an equal or greater degree of preference, under the laws of the State in which the decedent was domiciled at the time of his death, than that of himself; or

- (b) Submit with Form 1055 a waiver, Form ACP-73, executed in accordance with the instructions in Section IV below from each creditor who does have an equal or greater degree of preference than that of himself.

(11) Signature of claimant.

The claimant/s named in paragraph 1 of Form 1055 must have signed in the space provided. Any signature by mark must be witnessed.

Where a widow (or other person) is filing a claim on behalf of both herself and minor children, she should sign Form 1055 twice--once for herself and once as custodian or guardian of the children.

h. Affidavit of corroborating witnesses

The affidavit of corroborating witnesses must be executed. It is necessary that this affidavit be made and signed by two persons other than the claimant, who are sufficiently acquainted with the deceased payee, the family of the deceased payee, and the claimant to certify that the statements on Form 1055 are true and correct.

i. Certificate of Notary Public

After Form 1055 has been completed in accordance with the above instructions and the necessary accompanying documents attached, the Certificate of Notary Public must be executed by a Notary who shall also affix his official seal.

2. Documents which must accompany Form 1055

Form 1055 signed by or on behalf of a relative or creditor must always be accompanied by the undertaker's itemized bill. If the funeral expenses have been paid, this bill must be receipted by the undertaker. In addition, Form 1055 shall be accompanied by as many of the following documents as are applicable to the situation involved:

- a. Form ACP-73, executed in accordance with the instructions in Section IV below, or a statement that the proper persons will not execute Form ACP-73.

- (1) If Form 1055 submitted by a relative of the deceased payee shows that the funeral expenses have not been paid, such relative must either obtain Form ACP-73 from the undertaker and attach such waiver to the Form 1055, or in the event that the undertaker will not sign a waiver, the claimant shall attach a statement to that effect to the Form 1055.

- (2) If the funeral expenses of the deceased payee have been paid by someone other than the person who submits Form 1055, the claimant should either obtain and submit with the claim a Form ACP-73, executed by the person who paid the funeral expenses (inasmuch as such person's position is that of a creditor, he will execute Part II of ACP-73), or attach to the Form 1055 a statement to the effect that the person who paid the funeral expenses will not execute a waiver.
 - (3) If a creditor who submits Form 1055 has not entered in subparagraph (j) of such form a statement to the effect that there are no other creditors of the decedent having an equal or greater degree of preference, under the laws of the State in which the decedent was domiciled, than that of himself, there must be submitted with the Form 1055 a waiver (ACP-73) from each creditor who does have a right to share in the proceeds of the check, which right takes priority over or is equal to that of the claiming creditor.
 - (4) If the deceased payee is survived by a widow and/or minor child, and if Form 1055 is submitted by a creditor, such creditor must also submit either a Form ACP-73 executed in his favor by the widow and/or minor child or a statement to the effect that such widow and/or minor child will not execute a waiver.
- b. Anyone who files a Form 1055 on behalf of a relative or creditor must submit with such claim documentary evidence showing his authority to represent such relative or creditor. Such documentary evidence must fulfill the requirements of Section C of ACP-16 and must show the names of the persons represented, provided, however, that -
- (1) If Form 1055, ACP-73 or any other document is signed by an adult who represents himself as custodian of a minor child, such custodian must submit an affidavit showing the relationship between himself and the minor child and the circumstances of the custodianship. If the custodian is acting on behalf of two or more minor children, the names of all such children must be shown in the affidavit.
- c. If Form 1055 is submitted by a minor, the claim must be accompanied by an affidavit, signed by a person who must certify therein that he has knowledge of the facts, stating that such minor is competent to receive and handle funds.
3. Distribution of Form 1055 and accompanying documents.

Form 1055 and all of the required legal documents accompanying it, shall be distributed in the manner prescribed in paragraph A, 3, of this Section II.

If Form ACP-73 is submitted the original and one copy shall be sent to the State office. One copy will be retained in the county office files and the remaining copy will be given to the claimant.

Section III. Preparation of Standard Form 1055 when the payee of the U. S. Treasury check is incompetent.

If a payee of a U. S. Treasury check has been declared incompetent, the claim for the proceeds of such check must be filed by the legal guardian or committee for such incompetent payee.

A. Preparation of Form 1055 submitted on behalf of an incompetent payee.

Form 1055 shall be prepared in quadruplicate in accordance with the instructions set forth in paragraph A of Section II above, except that -

1. The fifth line of paragraph 1 shall be executed to show that the payee was declared incompetent.
2. The term "guardian" or "committee" shall be entered on the first line of paragraph 5.
3. The guardian or committee must sign Form 1055 in the space provided. The affidavit of corroborating witnesses need not be executed.

B. Documents which must accompany Form 1055.

The guardian or committee must submit with the Form 1055 either a certified copy of the court order of his appointment or some other document which fulfills the requirements of Section C, 2, A of ACP-16. If such document shows that a year has elapsed since the appointment of the guardian or committee, a statement from the court showing that such appointment is still in force and effect must also be submitted with the Form 1055.

C. Distribution of Form 1055 and accompanying documents.

Form 1055 and the legal documents accompanying it shall be distributed in accordance with the instructions set forth in paragraph A, 3, of Section II above.

Section IV. Preparation of Form ACP-73

If a widow, minor child, or creditor of a deceased payee wishes to release his right to claim the proceeds of a U. S. Treasury check issued to such decedent, he may do so by executing Part I or Part II, whichever is applicable, of ACP-73 in accordance with the instructions outlined in paragraph A or B below. Form ACP-73 will be prepared in quadruplicate. Before the proper data is entered by the relative or creditor, the county office will enter in the spaces provided in the upper right-hand corner the State and county code and serial number and the form number (WR-111, etc.) of the application for payment filed by the decedent.

- A. Preparation of Form ACP-73 filed by a widow and/or on behalf of a minor child of the deceased payee of a U. S. Treasury check.

Part I of Form ACP-73 will be executed by a widow and/or minor child (or on behalf of a minor child) of a deceased payee only in the event that such persons are willing to waive in favor of an unpaid creditor their right to an amount of the proceeds of the check equal to the amount of the debt in order that the creditor may file a Form 1055 for the purpose of obtaining such amount. The county committee should make certain that the person who executes Part I of ACP-73 understands clearly that the creditor named therein will be entitled to share in the proceeds of the check to the extent of the amount of the debt, if such creditor files a properly executed Form 1055.

If ACP-73 is signed by a minor an affidavit which fulfills the requirements of paragraph B, 2, c of Section II above must be attached. If the form is signed on behalf of a minor by a custodian, an affidavit which fulfills the requirements of Section II, paragraph B, 2, b, (1) must be attached; or, in the event that ACP-73 is signed on behalf of a minor by a legally appointed guardian, such guardian must submit with the ACP-73 documentary evidence showing his authority to act in that capacity. Such documentary evidence must fulfill the requirements of Section C of ACP-16.

If the amount of the check is greater than the amount due a creditor, the widow and/or minor child, regardless of whether or not such persons executed Form ACP-73 in favor of the creditor, may file Form 1055 for the purpose of obtaining their respective shares of the balance remaining after the amount due the creditor has been deducted.

A widow and/or minor child are not obliged to execute a waiver in favor of a creditor if they do not wish to do so. However, in the event that a creditor files a Form 1055 without such a waiver, he must submit a statement to the effect that the widow and/or minor child will not execute a waiver in his favor (both the Form 1055 and the statement shall be forwarded to the State office) in which event an amount of the proceeds of the check equal to the amount of the debt will be withheld until either (1) an administrator is appointed, and such administrator files a properly executed Form 1055; (2) the creditor files notice (which notice must be forwarded to the State office) that the debt has been paid by the widow and/or minor child or with funds belonging to the estate of the deceased, and the widow and/or minor child file a properly executed Form 1055; or (3) a waiver in favor of the creditor is obtained from the widow and/or minor child and forwarded to the State office.

All of the information required in Part I must be entered. The signature must be dated and witnessed by two persons. Part II will not be executed.

- B. Preparation of Form ACP-73 filed by a creditor of the deceased payee of a U. S. Treasury check.

Any creditor of the deceased payee who desires to waive his right to the proceeds of the check will execute Part II of ACP-73 and will enter therein all of the information required. The signature must be dated and also witnessed by two persons. Part I will not be executed.

C. Distribution of ACP-73.

The original and one copy of ACP-73, together with any supporting documents, shall be forwarded to the State office with the Form 1055 and other necessary documents. One copy will be retained in the county office files, and the remaining copy will be kept by the claimant.

George E. Farrell

George E. Farrell,
Director, Western Division.

